

**Maryland Board of Pharmacy
Public Meeting Minutes
May 20, 2009**

Name	Title	Today's Attendance		Year-to-Date	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		10	1
Bradley-Baker, L.	Commissioner	x		10	1
Chason, D.	Commissioner/Secretary	x		11	0
Finke, H.	Commissioner	x		10	1
Handelman, M.	Commissioner	x		10	1
Israbian-Jamgochian, L.	Commissioner	x		11	0
Leandre, A.	Commissioner	x		11	0
Matens, R.	Commissioner	x		10	1
Souranis, M.	Commissioner/Treasurer	x		10	1
Taylor, D.	Commissioner/President	x		11	0
Taylor, R.	Commissioner		x	9	2
Zimmer, R.	Commissioner	x		10	1
Bethman, L.	Board Counsel	x		10	1
Gibbs, F.	Board Counsel	x		4	0
Banks, T.	MIS Manager	x		8	3
Eversley, C.	Compliance Investigator	x		8	3
Gaither, P.	Administration and Public Support Manager	x		9	1
Goodman, S.	Acting Licensing Manager	x		8	3
Jeffers, A.	Legislation/Regulations Manager	x		11	0
Naesea, L.	Executive Director	x		11	0
Simmons, L.	Executive Secretary	x		9	2
Taylor, A.	Compliance Officer	x		11	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	1. D. Taylor brought the Public Meeting to order at 9:00 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were advised to notify the Board at this time or when the issue is addressed in the agenda.		
		2. A. Jeffers distributed packets of the draft regulations to be discussed to all guests with the request that the packets be returned at the end of the meeting.		
		3. D. Taylor reported that the Convocation for the University of Maryland, School of Pharmacy was held on May 15, 2009. The Pharmacist's Oath was administered to 117 graduates.		
		4. H. Finke and L. Israbian-Jamgochian reported on their attendance at the National Association of Boards of Pharmacy (NABP) annual meeting held in Miami Florida from May 16-19, 2009.		
		5. D. Taylor reported that C. Anderson will represent the Board at the NABP sessions for the Multistate Pharmacy Jurisprudence Examination (MPJE) on June 4-6, 2009		
		6. D. Taylor announced that the Maryland Pharmacists Association (MPHA) annual meeting will be held in Ocean City Maryland from June 13-16, 2009.		
II. Approval of the Minutes	Donald Taylor, Board President	D. Taylor requested additions or corrections to the Minutes for April 15, 2009. 1. Page 3, Section VI, Action/Results section, Item 2, add "The Licensing Committee to propose revisions to the pharmacy application to include a reference to Internet Pharmacies."	Motion: R. Matens made a motion to approve the April 15, 2009 Minutes, as amended.	Board Action: The Board voted to approve the Minutes, as amended.

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		2. Page 5, Section VI, Motion section, Item D, remove “approve the Letters of Support for S 511 as amended to Senators Mikulski and Cardin.” and add “request that Senators Mikulski and Cardin support S. 511.”	C. Anderson seconded the motion.	
III. Executive Director	LaVerne Naesea, Executive Director Donald Taylor, President	1. L. Naesea reported that A. Taylor will be leaving the Board effective May 20, 2009. A. Taylor has accepted a position with the Food and Drug Administration. As the manager for the Compliance Unit, A. Taylor oversaw the installation of the Board’s Pharmacy Inspection Program, assisted in the development of the Distributor regulations, pharmacy inspection program, the Pharmacy Technician Program, and the recruitment of the fourth pharmacy inspector.		
		2. D. Taylor thanked A. Taylor for her excellent work.		
		3. L. Naesea reported that the freeze exemption for the Compliance Officer position has been completed and submitted. E. Lin will assist with administrative duties until the position is filled.		
		4. D. Taylor reported that S. Goodman has been appointed as the Acting Manager for the Licensing Unit and asked for support during the transition. The Board will need to hire a Public Information Officer if the transfer of S. Goodman becomes permanent.		
		5. D. Taylor reported the election of Board Officers and NABP representatives will be held at the June Board meeting. A nomination reminder will be sent to all Commissioners prior to the June meeting.		Action Item: Commissioners to submit names of nominees for officers and NABP representatives.
		6. D. Taylor reported that the Board received a notification for the Maryland Budget Office questioning the submission of the revised Regulation Publication Form submitted for COMAR 10.34.09 which proposed fee increases for pharmacists, pharmacies and distributors. The Estimate of Economic Impact Statement provided for more revenue than the Budget Office calculated as needed for the Board’s expenses.		Action Item: M. Souranis, D. Chason, L. Naesea, A. Jeffers, P. Gaither to review the submission and revise if needed.
		7. D. Taylor reported that a new filing system has been installed. There was no charge for the system, but the Board was responsible for the installation cost. The system has been installed and is working well.		
		8. D. Taylor reported that the draft version of the Frequently Asked Questions (FAQ) for electronic prescriptions was developed based on recent questions received by the Practice Committee. D. Taylor asked that the Commissioners review the draft and forward comments to L. Naesea. D. Taylor reported that D. Chason added questions the FAQ’s to incorporate the most recent revisions to the regulations.		Action Item: Commissioners to review answers in draft FAQ statement and provide L. Naesea with any revisions.
		9. L. Naesea reported on the Board’s positions on the proposed resolutions at the NABP meeting in Miami. a. The resolution supporting further assessment of the use of electronic software by physicians passed. b. The resolution to address overprescribing of controlled substances passed. c. The resolution to address the issue of validity of the patient- prescriber relationship passed. d. The resolution regarding the requirements to be an administrative officer of a Board passed.		

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		<p>e. The resolution proposing standards for pharmacy technician education and training passed.</p> <p>f. The resolution regarding the requirement for a mandatory ethics course for license renewal failed.</p> <p>g. The resolution to propose the development of drug therapy management regulations passed.</p> <p>h. The resolution to recognize the contribution of deceased NABP members passed.</p>		
IV. Inspection Program Report	Ann Taylor, Compliance Officer	<p>1. A. Taylor presented the Compliance monthly statistics for the month of April. See Attachment 1, Section C.</p> <p>2. A. Taylor reported that the distributor inspections have been prioritized to be done before other types of inspections. E. Lin and J. Taylor will attend Board meetings to report on the results of inspections until a new Compliance Officer is hired.</p> <p>3. A. Taylor reported that the reports received from the Puerto Rico distributor inspections are in Spanish. The request has been made to have the reports translated into English.</p> <p>4. A. Taylor reported that several distributors located in Pennsylvania have submitted reports to the Board of pharmacy inspections that were performed by the DEA. N. Richards also performed two distributor inspections in Pennsylvania.</p> <p>5. D. Taylor reported that he will serve as the representative for the Drug Monitoring Taskforce as a replacement for A. Taylor.</p>		
V. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager Report	<p>A. Maryland Regulations</p> <p>1. A. Jeffers provided the status report on Maryland Regulations.</p> <p>a. COMAR 10.34.09 Fees. The Emergency Proposal was submitted for sign-off on April 27, 2009. The effective date is anticipated to be June 1, 2009 with a possible publication date of June 19, 2009.</p>		
		b. COMAR 10.34.17 Waiver of Full Service Requirements for Recognized Pharmaceutical Specialties. The proposal was published on March 27, 2009. There were nine (9) official comments received. The comments will be considered at the May Practice Committee meeting.		
		c. COMAR 10.34.20 Format of Prescription Transmission. The proposed regulations will be released for informal comment pending wording revisions from L. Bethman.		
		d. COMAR 10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors. The emergency regulations proposal was submitted for sign-off April 27, 2009. The effective date is anticipated to be June 1, 2009 with a possible publication date of July 6, 2009.		
		e. COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities, will be considered by the Long Term Care Workgroup.		
		f. COMAR 10.34.25 Delivery of Prescriptions. The regulations were released for informal comment. Eight (8) informal comments received. The comments will be considered at the May Practice Committee meeting.		
		h. COMAR 10.34.32 Pharmacist Administration of Vaccinations. The re-proposal was published on May 8, 2009. C. Anderson requested a revision to the wording. The change will be reviewed by L. Bethman.		Action Item: L. Bethman to review the revision recommended by C. Anderson prior to submission.

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		i. COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee. The proposed regulations were submitted to the DHMH on November 20, 2008. The Board of Physicians responded to Board of Pharmacy's letter of April 7, 2009 in a letter dated April 28, 2009.		i. L. Naesea to draft a letter for Board response to the Board of Physicians' letter.
		2. Revisions to regulations requiring Board approval. a. A Jeffers presented the revisions to the proposed regulation from the Practice Committee for COMAR 10.34.28 Automated Medication Systems. C. Anderson recommended the following revisions: Section 02 Definitions, (6) add "secure, tamper evident" Section 02 Definitions, (7) (b) (iii) add "stocked" The proposed regulations will be released for informal comment prior to final submission.	2.a. Motion: R. Matens made a motion to approve the revisions to COMAR 10.34.28 Automated Medication Systems as amended. C. Anderson seconded the motion.	2.a. Board Action: Board Action: The Board voted to approve the motion.
		B. Legislation: There was no legislation to be reviewed.		
		C. Federal Regulations: A. Jeffers reported that the federal government has forwarded -Request For Comments On Minimum Requirements for NASPER, the National All Schedules Prescription Electronic Reporting Act. The notice requested comments from interested parties regarding criteria for grants issued under NASPER (42 U.S.C. 280g-3). NASPER established a formula grant program for states to establish or improve state controlled substance monitoring systems called Prescription Monitoring programs (PMP's).	Motion: R. Matens made a motion to provide no formal comment on the request. R. Zimmer seconded the motion.	Board Action: The Board voted to approve the motion.
VI. PEAC Report	Gilbert Cohen, PEAC	1. G. Cohen thanked A. Taylor for her support and assistance to PEAC during her tenure with the Board.		
		2. G. Cohen presented the PEAC monthly statistics for the month of April 2009. See Attachment 1, Section D.		
		3. G. Cohen announced that the PEAC annual seminar will address Ethics in Pharmacy and will be held at the Maritime Institute on September 26, 2009.		
VII. Management Information Services	Tamarra Banks, MIS Manager	1. T. Banks presented the MIS monthly statistics for the month of April 2009. See Attachment 1, Section F.		
		2. D. Taylor asked that the statistics on the website be reviewed to assure that the cumulative totals are correct.		2. Action Item: T. Banks and D. Chason to review statistics for errors in cumulative totals.
		3. T. Banks reported that R. George, the last consultant remaining from the Towson University Memorandum of Understanding (MOU) has four (4) days remaining on her contract. Her last day will be May 27, 2009. R. George will conduct a final review of the system to determine how much development remains.		
		4. T. Banks reported that the DHMH recommends use of the approved vendor list called the CAT system which would provide a list of people to complete the development of the system.		

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		5. L. Naesea reported that she met with Towson University about the status of the database system and the MOU to determine if the project could be completed by July 1, 2009. The response was that the project could not be completed until December, 2009. L. Naesea made the decision to terminate the Towson MOU on behalf of the Board. T. Banks asked if A. Leandre could assist in recommending a company to complete the database project. A. Leandre agreed to assist.		
		6. T. Banks reported that the contract with MPT is awaiting final signatures at the DHMH. The contract is for one (1) year with up to three (3) renewals of one (1) year.		
		7. T. Banks reported that the helpdesk contract will end in June 2009. The request has been submitted for a contractual position.		
		8. T. Banks reported that the Disaster Recovery Project has been set up and tested, and the staff is scheduled for training. The contract with Maryland Public Television will be effective June 1, 2009.		
		9. T. Banks reported that E. Lin will provide the last review of the pharmacy inspectors' on-line inspection program. A. Taylor asked that an additional summary section be added to the program to assist the inspector as they review the report and any violations with the permit holder.		
		10. T. Banks reported that the DHMH has mandated all agencies to upgrade to the newest version of GroupWise® e-mail system. The upgrade was delayed because of the H1N1 influenza outbreak. The upgrade will be done within two (2) weeks.		
		11. D. Taylor asked that the staff check the phone system operation each morning because the voicemail system indicated that the office was closed at 10 A.M. on a recent day.		11. Action Item: L. Naesea to assign a staff member to verify that the correct message is activated in the voice mail system every day.
		12. T. Banks reported that an assessment of the Board's personal computers was conducted. Four (4) staff members are working on computers that were purchased in 2003, four (4) were purchased in 2004 and 13 were purchased in 2007. The devices were assessed, and it was noted that those purchased in 2003 were very slow and should be replaced. T. Banks recommended replacing the oldest computers.		12. T. Banks to develop a proposal to purchase computers to replace the oldest models.
		13. T. Banks reported that the Public Relations Committee link has been posted on the secured website for review. The development of the new front page of the Board website is near completion and should be reviewed by Commissioners and staff.		13. Action Item: Commissioners and staff to review and comment on revisions to the proposed website.
		14. T. Banks reported that the password for the secure website will be changed effective May 20, 2009.		
VIII. Administration and Public Support	Patricia Gaither, Administration and Public Support Manager	1. P. Gaither presented the Administration and Public Support monthly statistics for the month of April. See Attachment 1, Section G.		
		2. L. Naesea reported that B. Melvin has submitted her resignation to the Board. Her last day at the Board will be June 2, 2009. She has accepted a		

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		promotional transfer with the Department of Social Services. B. Melvin has supported the Administration and Public Support Unit and the Board's office functions.		
		3. P. Gaither reported that S. Goodman has been appointed as the Acting Manager in the Licensing Unit. The Public Information Officer (PIO) position will not be officially considered vacant until at least May 30, 2009.		
		4. P. Gaither reported that the exemption request for the pharmacist compliance officer position has been submitted. Due to the challenges that the Board experienced in the past in hiring for the position, P. Gaither requested input on how to recruit for that position.		
		5. P. Gaither reported that plans are being made to either reclassify A. Page or to begin interviewing for the administration and public assistant position.		
		6 P. Gaither reported that L. Naesea, L. Simmons, P. Gaither and A. Page will be performing PIO duties temporarily. The Board can hire a temporary employee for up to six (6) months or until the position is filled.		
		7. P. Gaither reported that A. Taylor recruited candidates for the final pharmacy inspector position. The candidates were interviewed by A. Taylor and L. Naesea.		
IX. Public Relations Committee Report	Lynette Bradley-Baker, Chair	1. L. Bradley-Baker reported that there was a very good turnout at the Flower Mart. The Board won the award for the "Best Decorated Booth" again for the fifth year in a row. Commissioners A. Leandre, and R. Matens and staff members C. Eversley, S. Kreindler, B. Melvin, L. Naesea and L. Cohen assisted at the booth.		
		2. L. Bradley-Baker reported that the Board of Pharmacy's Magazine contract was signed and mailed to the vendor. The first edition of the magazine is expected to be distributed in July 2009. The deadline is approaching for submission of articles. All articles must be submitted and reviewed in the next two weeks.		2. Action Item: Commissioners and staff to submit articles for review.
		3. L. Bradley-Baker reported that the Fall continuing education session will be held on October 4, 2009 at Cross Keys. The keynote speaker will be Dr. McPherson, discussing the use of over the counter medications for treatment of pain.		
		4. L. Bradley-Baker reported the Acetaminophen Coalition is meeting on a regular basis and has developed a document to be distributed to the health care boards. Additional articles will be included in the Fall edition of the Board's magazine.		
		5. L. Bradley-Baker reported that the Public Relations Committee has refined the proposed website page and the latest revision will be available for review in one week.		
		5. L. Bradley-Baker reported that the Maryland Pharmacy Coalition is in need of a liaison representing the Board and has asked for a volunteer to attend the Coalition meetings.	5. Motion: C. Anderson made a motion to appoint L. Bradley-Baker as the Board's liaison and R. Matens as the alternate for the Maryland Pharmacy Coalition. D. Chason seconded the motion.	5. Board Action: The Board voted to approve the motion.

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X. Practice Committee	Reid Zimmer, Chair	<p>1. R. Zimmer reported that COMAR 10.34.23, Pharmaceutical Services to Residents in Long-Term Care Facilities is currently undergoing revision. The Long Term Care Task Force will meet in June 2009 to review the revisions recommended by the Practice Committee.</p> <p>2, R. Zimmer presented the following public inquiries:</p> <p>a. John Reed. Repackaging and Resolution of litigation</p> <p>1) If a drug has a NDC number, does that necessarily mean that the drug is FDA approved and vice versa (i.e., if drug doesn't have NDC number)?</p> <p>RESPONSE: Please refer to the U.S. Food and Drug Administration (FDA). The Maryland Board of Pharmacy does not address this issue.</p> <p>2) When repacking medications from original manufacturer containers, what exactly must appear on the label especially if the product is an OTC item vs. legend item?</p> <p>RESPONSE: Please follow the Maryland Pharmacy Act labeling requirements set forth in Health Occupations Article, 12-505, Annotated Code of Maryland. Additionally you should review, and comply with, the Code of Maryland Regulations (COMAR) 10.34.23.01 - .11, Pharmaceutical Services to Residents in Long-Term Care Facilities.</p> <p>3) In retail pharmacy setting, sometimes customers buy hypodermic needles but, I checked DC law & I can't seem to find a particular protocol as to what must be performed in order for the transaction to occur.</p> <p>RESPONSE: In Maryland, the sale of needles and syringes or other paraphernalia shall be made by the pharmacist only in good faith to patients showing proper identification and indication of need. See COMAR 10.13.08.01.</p> <p>Please check with the District of Columbia's Board of Pharmacy for D.C. laws that may apply.</p> <p>4) If there is patent dispute or marketing issue and the judge orders the manufacturer(s) to discontinue distribution of their product(s) until litigation is resolved, may a pharmacy fill a prescription for the drug(s) in question with their remaining pharmacy inventory legally or what is proper standard operating procedure (SOP) in this instance?</p> <p>RESPONSE: If there is a patent dispute or marketing issue and a judge orders the manufacturer to discontinue distribution of a product due to unresolved litigation, existing inventory of the prescription drug may be sold.</p> <p>5) Scenario - Jan 2009, drug is currently listed as CIII schedule (ex. Vicodin ®) drug in pharmacy inventory. Board of Pharmacy mandates</p>	<p>2.a. Motion: H. Finke made a motion to revise the letter to address hazardous waste and add a reference to pharmacy law training programs that may be offered by Schools of Pharmacy.</p> <p>M. Handelman seconded the motion.</p>	<p>2.a. Board Action: The Board voted to approve the motion.</p>

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		<p>that the drug in question, due to increase in abuse; be moved to CII schedule effective September 2009. If pharmacy inventory is normally performed on May 2009, when must this drug be recorded as a CII scheduled drug in pharmacy inventory?</p> <p>RERESPONSE: The Maryland Board of Pharmacy does not classify or re-classify controlled dangerous substances.</p> <p>6) In addition, I wanted to know if Maryland offers a pharmacy law review program or classes?</p> <p>RESPONSE: No, the Board of Pharmacy does not offer a pharmacy law review program or class.</p>		
		<p>b. Cardinal - Martha Russell-Hospital repackaging arrangement involving Cardinal-</p> <p>We've got some large hospital customers in Maryland that buy bulk product from us and once they receive it they repackage it into unit dose form for use in their hospital. The bulk product is cheaper so they save money by repackaging it into unit dose verses buying it already in unit dose. Historically they've done the unit dose repackaging themselves, but now they are looking at outsourcing that to a 3rd party repackager that would unit dose all of their product for them instead of them having to do it themselves in the hospital pharmacy. The hospitals would still be buying product directly from us and title to that product would remain with the hospital throughout the repackaging process, but the hospital would like for Cardinal to ship the product straight to the repackager now instead of to the hospital pharmacy. Our invoice would indicate that ownership is with the hospital but the "ship to" address would be that of the hospital's repackager. The repackager would then unit dose the drugs and forward on to the hospital.</p> <p>I'm concerned this might raise pedigree implications and wanted to get your opinion. Because title and ownership would remain within the "normal distribution channel", the product wouldn't need a pedigree would it? Title would transfer from the drug manufacturer to Cardinal Health and then to the hospital pharmacy.</p> <p>RESPONSE: So long as the third party repackager is an FDA licensed repackager, and the other entities possess the appropriate State and federal licensure, then a pedigree would not be required because the product will remain within the normal distribution channel.</p>	C. Anderson and D. Chason were recused.	b. Board Action: the response was returned to the Practice Committee for further review.
		<p>c. Zakia Corria - LTC Pharmacy use of multi-dose liquid containers.</p> <p>1. Can full 30 ml bottles versus unit dose of a liquid medication such as Roxanol® be placed in the automated dispensing machine such as Pyxis that is located in a nursing home?</p> <p>RESPONSE: The standard of care indicates that only single dose containers may be</p>		c. Board Action: The letter was returned to the Practice Committee for further review.

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		<p>placed in an automated dispensing machine. If waste occurs, disposal must comply with State and federal guidelines for disposal of controlled dangerous substances.</p> <p>2. If yes, and the nurse obtains the 30ml bottle from the Pyxis, can the nurse label the bottle with patient name and expiration date? The label would be supplied by the pharmacy but NOT at the time of dispense. The purpose of this label is to indicate who the medication is for ONLY-no drug name or directions would be included on label.</p> <p>RESPONSE: Labeling a bottle is a pharmacy dispensing function. Please be advised that a nurse may not label a bottle or perform dispensing functions.</p>		
		<p>d. Richard Mainzer- Remedi SeniorCare – Management of Interim Emergency Boxes</p> <p>As a pharmacy providing medication dispensing services to residents of Long Term Care facilities as described under COMAR 10.34.23, Remedi SeniorCare provides limited quantities of medications into Emergency Drug Kits and Interim Boxes as defined in COMAR 10.34.23.02(B)(2) and 10.34.23.02(B)(3) respectively which are stored at the nursing facility. The two kits are provided, owned and maintained by the pharmacy in accordance with the Drug Control and Accountability regulations COMAR 10.34.23.10(B) and 10.34.23.10(C). While these medications (i) remain the property of the pharmacy and are not sold to the facility, (ii) are only removed from the boxes pursuant to the issuance of a valid written or verbal order from an authorized prescriber, and (iii) are documented in the pharmacy's records as a legal prescription, they do not yet contain a resident prescription label. These medications are stored in limited quantities in anticipation of their need upon receipt of a prescription for a specific resident. Remedi SeniorCare respectfully requests an opinion which confirms that the management of emergency and interim drug kits in accordance with these regulations falls under the scope of "Pharmaceutical services" as defined in COMAR10.34.23.02(B)(5) and is therefore included as an act of medication dispensing.</p> <p>RESPONSE: The Board confirms that the management of emergency and interim drug kits in accordance with regulations falls under the scope of "Pharmaceutical services" as defined in COMAR 10.34.23.02(B)(5) and is therefore included as an act of medication dispensing.</p>	<p>d. Motion: C. Anderson made a motion to approve the letter as presented.</p> <p>R. Matens seconded the motion.</p> <p>M. Handelman was recused.</p>	<p>d. Board Action: The Board voted to approve the motion.</p>
		<p>e. Robin Watson-Sharps Compliance Disposal program</p> <p>I am with Sharps Compliance, a leading manufacturer and distributor of sharps mail back systems. We also have a program for the safe and easy disposal of unused/expired medications for patients. One of our customers is interested in implementing a disposal program in their stores in Maryland using our system but needs to know if there are any regulations for/against this in Maryland if handled by a pharmacist.</p> <p>One of our solutions is a postage-paid envelope that the pharmacist hands to their patients. The patient then takes the envelope home, fills it with their</p>	<p>e. Motion: H. Finke made a motion to revise the letter to address drug recalls and add reference to restrictions on handling hazardous waste and to encourage registration as a Maryland approved Repository site.</p>	<p>e. Board Action: The Board voted to approve the motion.</p>

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		<p>unused/expired medication and mails it via the US Postal Service to our incineration plant in Texas for destruction.</p> <p>RESPONSE: The Maryland Pharmacy Act does not address handing a postage-paid envelope to patients to mail unused medications to an incinerator in Texas. Please refer to the Texas Board of Pharmacy, federal authorities, and the U.S. Postal Service for guidelines and requirements.</p> <p>The second piece of our solution involves a 10 or 20 gallon box that the pharmacy can place in their store for patients to drop off their unused/expired medications. Once the box is full, it is sent via a prepaid UPS label to our incineration plant in Texas for destruction.</p> <p>Both the envelopes and boxes are never opened once received in our incineration plant and we also provide tracking information for each envelope and box that is shipped to a pharmacy.</p> <p>RESPONSE: Unused medications may only be donated in Maryland at an approved Repository or Drop-Off Site through the Prescription Drug Repository Program. See Health-General Article, 15-601 – 609, Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) 10.34.33.01 - .12 Prescription Drug Repository Program.</p>	L. Bradley-Baker seconded the motion.	
		<p>f. Lee McDow Cardinal -Automated Dispensing Systems</p> <p>1. If a hospital has “Pyxis” in place prior to September 1, 2003 with matrix type drawers and wants to add another device to a new area in the hospital would they be allowed to have matrix drawers in the new device?</p> <p>RESPONSE: No. Please be advised that the Board is in the process of revising 10.34.28 Automated Medication Systems. Please monitor the Board Meeting Agenda on the Board's website for more information. www.mdbop.org</p> <p>2. If the hospital is replacing or upgrading their equipment with new equipment would they be allowed to keep the matrix type drawers?</p> <p>RESPONSE: No.</p> <p>3. We have an “add on” unit called a "tower" that is made to store large items like IVs or bulky items such as Golytely®. Would this be allowed for a new customer?</p> <p>RESPONSE: Yes.</p> <p>RESPONSE: 4. What would be the recommendation for those large items that would</p>	<p>f. Motion: C. Anderson made a motion to approve the letter as presented.</p> <p>R. Matens seconded the motion.</p> <p>M. Handelman was recused.</p>	f. Board Action: The Board voted to approve the motion.

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		typically not fit into single access pockets? RESPONSE: See the question and answer above.		
XI. Licensing Committee	Cynthia Anderson, Chair	1. C. Anderson presenting the Licensing Committee statistics for the month of April 2009. See Attachment 1, Section A and E.		
		2. C. Anderson reported on the activities of the Licensing Committee. The Committee is conducting program reviews, participating in C.R.C.'s. A special meeting has been scheduled to review and revise the regulations concerning continuing education, reinstatement and reciprocity for technicians.		
		3. S. Goodman reported that work has begun on renewal of technician registration using the technician database.		
		4. C. Anderson requested information regarding the process for auditing the documentation of continuing education on technician renewal applications.		Action Item: S. Goodman and L. Naesea to develop a process to audit 10% of the documentation of continuing education on technician renewal applications.
		5. C. Anderson recommended that the technician application and renewal forms be modified to add information regarding current employment.		Action Item: Licensing Committee to develop a revised application for technician renewal to include current employment information.
		6. C. Anderson reported that the Licensing Committee received a question regarding the registration process for students who are due to graduate from a school of pharmacy. According to regulations, students must be either registered as a pharmacist, serve as a registered pharmacy technician, or be enrolled in a Board approved pharmacy technician program for up to six (6) months or until they are registered as a pharmacist.		Action Item: Return the draft response to the Licensing Committee for revision and issuance of the letter to schools of pharmacy in MD and surrounding states as soon as possible.
		7. C. Anderson reported that the application for student exemption is incomplete. The student exemption application does not include a personal attestation page. The information was discovered because of a recent CJIS report. The Licensing Committee requested that an attestation page be included on all future student exemption applications.		Action Item: Licensing Committee to develop a revised application for student exemption to include an attestation page.

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		8. C. Anderson reported that the following pharmacy technician training programs have been reviewed and approved by the Licensing Committee. a. Boston Reed College	a. Motion: The Licensing Committee made a motion to approve the pharmacy training program Boston Reed Pharmacy. R. Matens seconded the motion.	a. Board Action: The Board voted to approve the training program.
		b. SuperValu Pharmacy	b. Motion: The Licensing Committee made a motion to approve the pharmacy training program SuperValu Pharmacy. H. Finke seconded the motion.	b. Board Action: The Board voted to approve the training program.
		c. Jarrettsville Pharmacy	c. Motion: The Licensing Committee made a motion to approve the pharmacy training program Jarrettsville Pharmacy. D. Chason seconded the motion.	c. Board Action: The Board voted to approve the training program.
		9. C. Anderson reported that the Licensing Committee received an inquiry regarding the credentials that pharmacy technicians could place after their name to designate their professional registration. The development of a designation for credentials is not the role of the Board of Pharmacy. The Board agreed that "RPT" is the most acceptable abbreviation for "Registered Pharmacy Technician."	f. Motion: C. Anderson made a motion to recommend that MPhA develop standard credential for technicians, with the Board's suggestion that "RPT" be considered. D. Chason seconded the motion.	f. Board Action: The Board voted to approve the motion.
XII. Disciplinary Committee	Ann Taylor, Compliance Officer	1. A. Taylor presented the Compliance Committee monthly statistics for the month of April 2009. See Attachment 1, Section A and C.		
XIII. Long Term Care	Mayer Handelman, Chair	1. M. Handelman reported that an evaluation of the new assisted living training programs has indicated that the programs have been successful. The next training program will be held at the Maryland ASCP convention in Rocky Gap State Park on August 6, 2009.		
		2. M. Handelman reported that the Residential Care Agencies have been working with the Office of Health Care Quality (OHCQ) on new regulations and have invited the involvement of pharmacists.		
		3. M. Handelman reported that the Developmental Disabilities Agencies (DDA) have been working with the University of Maryland, School of Pharmacy and long term care pharmacists to develop plans to serve clients in regulated facilities.		

Subject	Responsible Party	Discussion	Motion	Action/Results
XIV. Informational	Donald Taylor, Board President	1. D. Taylor reported that there are 1500 cases of H1N1 influenza reported in the United States. The Board was asked to conduct a survey of to all pharmacy permit holders to determine the stock of Tamiflu® and Relenza® available in Maryland pharmacies. The Board received only a 1% response. The use of e-mail may not be useful because most pharmacists are not reviewing e-mail on a regular basis while at work or the e-mail is routed to the pharmacist's personal address.		Action Item: The Executive Committee to develop a method to improve the response to emergency surveys to pharmacies.
		2. D. Taylor distributed an article from Johns Hopkins Health regarding the importance of patients talking with their pharmacists.		
		3. D. Taylor reported that the six (6) state emergency preparedness drills with the Center for Disease Control (CDC) had been cancelled due to the workload associated with the H1N1 pandemic.		
		4. H. Finke described the difficulties that have occurred with the media report about the H1N1 pandemic. The State and County agencies have been inconsistent in providing information to health care workers and the public.		
		5. D. Taylor reported that there are up to six (6) positions open for the registration for the immunization training program that is being offered by the University of Maryland, School of Pharmacy on May 31, 2009.		
XV. New Business	Donald Taylor, Board President	1. D. Taylor reported that the Board has been contacted to participate with the DHMH on a task force to review the regulations in COMAR to determine what changes need to be made to address non-catastrophic events . The Task Force will consist of representatives from the Attorney General's Office as well as the Boards of Physicians, Nursing, Pharmacy and Social Work. The task force will address issues such as the changes in the roles of professionals and the liability that may occur during emergencies.		
		2. A. Friedman, representing Kaiser Permanente, thanked the Board for the support provided on the drug therapy management legislation in the recent legislative session. The request was made for additional support for the Board to promote the extension of the current law beyond the expiration date of May 1, 2010. The recommendation was to broaden the law to allow more types of therapy management by pharmacists and physicians as well to include the results from institutional programs.	2. Motion: D. Chason made a motion to have the Board participate in the development of new legislation to extend the sunset on drug therapy management L. Israbian-Jamgochian seconded the motion.	2. Board Action: The Board voted to approve the motion.
XVI. Adjournment	Donald Taylor, Board President	1. D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13). The Public Meeting was adjourned at 12:34 P.M. 2. At 1:00 P.M. D. Taylor convened a Closed Public Session to conduct a medical review of technician applications. 3. The Closed Public Session was adjourned at 1:12 P.M. Immediately thereafter, D. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.	1. Motion: R. Matens made a motion to close the Public Meeting and open a Closed Public Session. M. Souranis seconded the motion. 3. Motion: R. Matens made a motion to adjourn the Closed Public Session and open an Administrative Session. R. Zimmer seconded the motion.	1. Board Action: The Board voted to approve closing the Public Meeting and opening a Closed Public Session. 3. Board Action: The Board voted unanimously to adjourn the Closed Public Session and open an Administrative Session.

Reporting Period: Fiscal Year 2009

Note: Sections A & B are from State Stats

SECTION A - STATE STAT	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09			Total 2008
SECTION A -LICENSING COMMITTEE													
Number of Current Licensees	21219	21984	22896	22953	23075	23120	14529	14876	15514	16066			N/A
Number of Active Licensees	12426	12491	14112	14267	14367	12574	14472	14820	15457	16009			N/A
Number of Inactive Licensees	520	551	493	356	364	56	57	56	57	57			N/A
Number of Pharmacist Licensees	14138	14159	14102	14251	14278	8232	8349	8336	8340	8374			N/A
Number of Pharmacy Establishment Licenses	3175	3179	3208	3222	3241	2536	1563	1592	1596	1609			N/A
Number of Distributor Licenses	2062	2077	2094	2109	2120	2129	771	734	760	776			N/A
Number of Pharmacy Technician Licensees	1844	2569	3452	3371	3436	3607	3789	4214	4818	5307			N/A
Number of Non-renewed Licensees	8273	8312	8237	8330	8344	9193	8768	8313	8553	8522			N/A
Number of New Applications Received	982	895	228	152	101	135	452	1374	405	329			N/A
Number Out-of-State Applications Received	112	71	0	55	58	50	63	63	78	384			934
Number of Out-of-State Applicants Approved	84	35	0	80	38	35	37	33	59	58			459
Number of Foreign Applications Received	13	14	0	15	8	7	10	5	11	3			86
Number of Foreign Applicants Approved	94	6	8	5	1	11	3	1	2	2			133
Number of License Renewals Current	339	333	344	352	1155	1858	319	334	352	338			5724
Number of Formerly Inactive or Reinstated Licenses	17	17	18	10	11	13	12	11	8	6			123
SECTION B - Complaints--Summary													
Number of Complaints Received	7	14	5	11	13	13	4	20	17	16			120
Boundaries (Harassment)	0	0	0	0	0	0	0	0	0	0			0
Drugs/Alcohol	1	0	1	0	1	0	0	0	2	1			6

Fraud	1	2	0	0	0	0	0	0	2	0			5
Standard of Care	3	6	1	6	5	8	1	4	8	8			50
Other	2	6	1	5	7	4	3	7	5	7			47
Number of Complaints Closed Administratively	0	0	0	0	0	0	0	0	19	22			41
Number of Investigations Initiated	7	14	5	11	13	13	4	20	17	16			120
# of Investigations Closed	3	7	2	1	5	0	9	18	23	13			81
Number of Investigations Pending	23	17	9	7	15	0	10	15	48	35			179
Number of Complaints Adjudicated by the Board	10	7	13	13	5	11	9	13	4	8			93
Number of Complaints where Board investigated complaint and took no formal or informal action	0	0	0	0	0	1	3	3	2	2			11
Number of Complaints where Board referred the case for prosecution	6	2	3	0	0	0	3	1	0	1			16
Number of Complaints Adjudicated within Goal	10	7	7	9	5	11	8	12	4	8			81
Number of Complaints Pending Action by the Board (unresolved)	0	2	2	2	1	0	1	1	0	0			9
Number of Complaints Referred by Board to another agency	1	0	0	0	0	1	2	0	0	1			5
Attorney General's Office													
Number of Complaints Awaiting Action from Board Counsel	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 120 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action from Board Prosecutor	1	8	5	4	1	1	4	4	3	2			36
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0	0			0
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0	0			0

Number of Complaints Awaiting Action for more than 120 days	1	1	1	1	1	1	1	0	0	0			8
Audit/Quality Assurance													
Number of Licensees Reviewed	38	37	35	37	35	37	36	37	36	0			328
Number of Patient Records Reviewed	0	0	0	0	0	0	0	0	0	0			0
Number of Inspections/surveys conducted	79	70	83	85	60	67	86	125	85	135			875
Disciplinary Action--Summary													
Formal Actions Taken by Board	5	5	2	3	5	3	1	5	2	0			31
Number of Fines	2	2	2	1	2	0	1	2	0	0			12
\$ Amount of Fines	\$3,000	\$1,000	\$10,000	\$3,000	\$7,500	\$0	\$5,000	\$41,000	\$0	\$0			\$70,500
Number of Probations	0	0	0	0	1	1	0	2	0	0			4
Number of Suspensions	3	3	1	1	0	0	0	0	2	0			10
Number of Licenses Revoked	1	0	0	0	0	0	0	0	0	0			1
Number of Letters of Reprimand	0	0	0	0	1	0	0	0	0	0			1
Informal Actions Taken by Board	0	3	10	7	3	9	2	10	2	6			52
Number of Cease and Desist Letters	0	1	2	0	0	0	0	0	0	1			4
Number of Letters of Admonishment	2	0	3	1	0	0	2	3	1	0			12
Number of Letters of Education	2	2	2	2	2	0	0	4	1	5			20
Other	0	2	3	4	0	8	0	3	0	0			20
Post Adjudicatory Compliance													
Number of Cases under Supervision	12	12	12	12	12	12	11	12	11				N/A
End of State Stats Sections													
SECTION C-COMPLIANCE													
Board Statistics													
Inspection Report													
Regular Inspections													
Retail/Community	0	0	67	51	52	51	47	61	50	84			463

Long Term Care	0	0	1	0	1	0	0	0	2	1			5
Hospital	0	0	2	0	0	0	1	0	1	6			10
Waivered	0	0	1	0	1	1	0	1	0	1			5
Distributor	0	0	0	0	0	3	35	50	24	32			144
Opening Inspections	0	0	8	12	4	0	1	5	5	2			37
Retail/Community	0	0	6	5	2	6	1	5	3	2			30
Long Term Care	0	0	0	0	0	0	0	0	0				0
Hospital	0	0	0	1	1	0	0	0	0				2
Waivered	0	0	2	6	1	0	0	0	0				9
Distributor	0	0	0	0	0	0	0	0	2				2
Closing Inspections	0	0			0	0			0				0
Retail/Community	0	0	0	4	0	0			0				4
Long Term Care	0	0	0	0	0	0			0				0
Hospital	0	0	0	0	0	0			0				0
Waivered	0	0	0	0	0	0			0				0
Distributor	0	0	0	0	0	0			0				0
Special Investigations	0	0	0	3	1	0	2	8	4	9			27
SECTION D-P.E.A.C. REPORT													
Pharmacists' Education and Advisory Council (PEAC)													
Self Referred Pharmacists	13	14	15	15	15	15	15	12	13				N/A
Self Referred technicians	0	2	2	2	2	3	3	3	3				N/A
Referred Pharmacy Students	2	2	2	2	1	2	2	2	1				N/A
Self Referred transferred to Board of Pharmacy	0	0	0	0	0	0	0	1					N/A
Board Cases Requesting PEAC Assistance	6	6	6	6	6	6	0	5	5				N/A
New Cases This Month													
Pharmacist	1	2	1	1	2	1	0	0	0				9
Student	0	0	0	0	0	0	0	0	0				0
Technician	0	0	0	0	0	0	0	0	0				0
Client Discharges	0	0	0	0	0	0	0	2	0				2
Drug Tests Ordered	42	46	42	44	46	48	52	50	52				466
Number of Positive Results	0	0	1	0	1	1	0	2	0				5

Total Combined Cases Being Monitored by PEAC	21	24	25	24	26	26	26	23	22				N/A
Cases under Board Monitoring	12	12	12	12	12	12	11	12	12	12			N/A
Drug Tests Ordered	30	30	30	27	22	22	29	17	23	17			277
Number of Positive Results	0	0	1	0	0	0	0	0	2	2			5
SECTION E LICENSING COMMITTEE REPORT(CONTINUED)													
Licensed Active Pharmacists													
New Licensed this Month	93	45	33	36	20	27	19	17	25	24			
In State	5575	5607	5620	5633	5629		5640	5639	5635	5645			
Out of State	2633	2618	2613	2651	2637		2646	2652	2660	2670			
Total Active Pharmacists	8208	8225	8233	8284	8266	0	8286	8291	8295	8313			
Due to Renew	378	348	376	381	317	338	319	334	352	322			
Paper Renewals	65	61	65	51	54	65	81	80	74	44			
On-Line Renewals	272	263	279	301	243	238	215	228	252	252			
Non-Renewed To-Date	41	24	32	29	20	35	23	26	26	26			
Reinstatements													
Less then 2 Years	8	17	17	10	11	13	10	8	7	6			123
2 to 5 Years	0	0	1		0	0	2	2	1	0			7
5 + Years	0	0	0		0	0	0	0	0	0			0
Vaccine Certifications													
Applications Received To Date	278	334	385	461	481	494	494	497	498	494			N/A
Renewed This Month	13	13	13	8	15	12	17	19	22	20			165
Certified This Month	7	26	77	47	36	20	4	0	6	12			242
Pending This Month	12	42	16	45	25	20	16	19	14	20			241
Total Certified To Date	266	292	369	416	462	474	478	478	484	474			N/A
Pharmacy Technicians													

Applications for Grandfathered Status	1409	1489	1527	1548	1567	1572	1613	1769	1803	1731			N/A
Applications for Nationally Certified	2028	2088	2216	2286	2338	2652	2825	3912	4189	2437			N/A
Applications for Student Exemption	196	241	251	256	258	260	267	321	347	307			N/A
Applications received	3633	3818	3994	4090	4163	4484	4705	6002	6339	6863			N/A
Registered To Date	2080	2569	3122	3371	3512	3651	3923	4417	4950	5305			N/A
Registrations Pending	1553	1249	872	719	651	833	782	1585	1389	1558			N/A
Technician Training Programs													
Total Programs Submitted	0	21	0	23	23	24	27	32	35	35			N/A
Total Programs Approved	0	8	0	12	14	15	16	17	23	24			N/A
Total Under Review								5	4	3			
Total Under Re-work					8	8	8	3	2	3			N/A
Approval Not Needed - Using an Approved Prog								3	3	10			
Not Eligible for Approval								1	1	1			
Total Pending Review	0	4	0	11	0	1	3	3	2	1			
New Pharmacies													
New In State	4	3	2	2	6	2	2	2	2	5			32
New Out of State	4	8	5	9	4	7	6	9	9	10			73
New Waiver	1	1	1	0	0	0	1	0	0	5			9
Total New Pharmacies	9	12	8	11	10	9	9	11	11	20			114
Closed Pharmacies													
Closed In State	0	4	2	1	0	0	1	2	2	5			18
Closed Out of State	1	2	1	1	2	3	1	1	0	12			24
Closed Waiver	2	1	0	0	0	0	0	0	0	5			8
Total Closed Pharmacies	3	7	3	2	2	3	2	3	2	22			50
Total In State Pharmacies	1134	1133	1132	1133	1139	1141	1132	1132	1132	1130			N/A
Total Out of State Pharmacies	367	373	377	385	387	391	329	337	346	364			N/A

Total Waivered Pharmacies	103	102	104	104	104	104	102	102	102	102			N/A
Total Pharmacy permits	1604	1608	1613	1622	1630	1636	1563	1571	1580	1596			N/A
Distributors													
New in State	0	0	6	1	3	0	2	2	2	21			38
New Out of State	3	15	7	12	6	2	13	6	5	36			113
Total New Distributors	3	15	13	13	9	2	15	8	7	7			101
Closed Distributors													
Closed In State	0	0	1	0	0	0	0	1	0	0			2
Closed Out of State	0	0	0	0	2	1	5	1	0	2			11
Total In State Distributors	187	187	192	193	196	196	198	199	201	156			N/A
Total Out of State Distributors	726	741	748	760	764	765	773	778	783	618			N/A
Total Distributors	913	928	940	953	960	961	971	977	984	774			N/A
Rx Repository Program													
Applications received To date	3	3	3	3	3	3	3	3	3	3			N/A
Applications Approved To date	0	0	0	0	1	1	1	1	1	1			N/A
Applications Pending	0	2	2	2	1	1	1	1	1	1			N/A
Applications Withdrawn	0	1	1	1	1	1	1	1	1	1			N/A
													N/A
Drop Off Sites													
Applications received To Date	0	0	0	4	4	4	4	4	4	4			N/A
Applications pending	0	0	0	2	1	1	1	1	1	1			N/A
Applications Approved To Date	0	0	0	0	1	1	1	1	1	1			N/A
Applications Withdrawn	0	0	0	2	2	2	2	2	2	2			N/A
Total drop Off Sites													
Drug Therapy Management Protocols													

Total Applications Received To Date	0	8	8	8	8	8	9	9	9	9			N/A
Applications Approved To Date	0	4	4	4	4	5	5	5	5	5			N/A
Applications Not Approved	0	3	3	3	3	3	3	3	3	3			N/A
Applications pending	0	1	1	1	1	0	1	1	1	1			N/A
SECTION F-MANAGEMENT INFORMATION SYSTEMS REPORT													
Number of e-mails received	494	333	285	398	437	468	570	531	468	443			4,932
Number of website visitors	15281	12832	12707	13688	6628	11798	11724	11725	13795	12345			140,703
Roster Requests								15	9	14			38
APS REPORT													
Cash Mail Log Total including On-line Renewals (Misc. correspondence not included)							941	1,191	1,416	540			4088
Expense Report							22	22	21	25			90
Number of e-mails opened, reviewed and distributed							559	522	432	444			1957
PIA Requests/Inquiries (beginning Feb 09 Roster Request not included)							58	37	30	16			141
Fiscal Notes							5	12	1	-			18